

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-20550 - APPLICANT/OWNER: D.R. HORTON, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 6, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-3/gt/bg/sd vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-7653), Special Use Permit (SUP-7656) and Tentative Map (TMP-8595) shall be required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a 15-foot front yard setback where a 20-foot setback is required for a new single-family residence at 6411 Hook Creek Court. The applicant has created a self-imposed hardship by offering a product that does not fit within the lot as the applicant designed. Offering a product that fits within the approved setbacks would allow conformance to the Title 19 requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/01/05	The City Council approved a General Plan Amendment (GPA-6296) to amend a portion of the Centennial Hills Sector Plan of the General Plan from O (Office) and SC (Service Commercial) to L (Low Density Residential) on a 5.0 acre portion of a 74.46 acre site, and struck a Rezoning (ZON-6302) from R-E (Residence Estates) to R-1 (Single-Family Residential). The Planning Commission and staff recommended approval.
09/07/05	The City Council approved a petition to Vacate (VAC-6725) a portion of an existing cul-de-sac at the south end of Rebecca Road, a Rezoning (ZON-7653) from R-E (Residence Estates) to R-1 (Single-Family Residential), Special Use Permit (SUP-7656) for private streets within a proposed subdivision, and a Waiver (WVR-7659) of Title 18.12.160 to allow approximately 52 feet between street intersections where 125 feet is the minimum distance separation required. The Planning Commission and staff recommended approval.
09/22/05	The Planning Commission approved a Tentative Map (TMP-8595) for a 112-lot single family residential subdivision on 28.50 acres on the subject site. Staff recommended approval.
04/26/07	The Planning Commission voted 4-3/gt/bg/sd to recommend DENIAL (PC Agenda Item #73/rl).

<i>Related Building Permits/Business Licenses</i>	
NA	
<i>Pre-Application Meeting</i>	
02/26/02	A pre-application meeting was held to discuss the requirements for a setback Variance. Applicant was informed that a separate Variance is required for each lot.
<i>Neighborhood Meeting</i>	
A Neighborhood Meeting is not required for this application, nor was one held.	

Field Check	
03/26/07	A field check was conducted on the site to determine that site conditions are as depicted in the submitted documentation. No pertinent issues were identified.

Details of Application Request	
Site Area	
Gross Acres	.21

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)
North	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)
South	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)
East	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)
West	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-1 (Single-Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Airport Overlay District

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. The proposed buildings will be in compliance with the 175 and 200-foot height restrictions imposed by the North Las Vegas Airport Overlay District map.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF		Y
Min. Lot Width	65 Feet		Y
Min. Setbacks			
• Front	20 Feet		N*
• Side	5 Feet		Y
• Corner	15 Feet		Y
• Rear	15 Feet		Y
Max. Lot Coverage	50%		Y
Max. Building Height	The lesser of 2-stories or 35 feet		Y

**** The subject of this Variance.***

ANALYSIS

The applicant is requesting a 15-foot front yard setback on the subject site where 20-feet is required, a 25% deviation. The subject site is an approved single family dwelling in a 112-lot approved subdivision. While the front yard setback would be reduced to less than 18 feet, the garage entry will be set back a minimum of 20 feet from the front property line. The subject site is one of seven out of 112 units in the Bavaria Estates subdivision for which the applicant seeks such a Variance. This accounts for approximately 6% of the total units. This reduction in the front yard setback distance allows for greater depth in the rear yard on the subject site.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by offering a product that does not fit within the lot as the applicant designed. Alternatively offering a product that fits within the approved setbacks would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 218 by City Clerk

APPROVALS 0

PROTESTS 0